

Richard Morin (SBN 285275)  
Law Office of Rick Morin, PC  
500 Newport Center Drive Suite 610  
Newport Beach, CA 92660  
Phone: (949) 996-3094  
Email: legal@rickmorin.net

Attorney for Plaintiff

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

Sherwin David Partowashraf,

Plaintiff,

v.

Nassa Sons Inc. dba Anarbagh  
Restaurant,

Defendant.

Case No. 2:23-cv-01670-JFW-PVC

**PLAINTIFF'S NOTICE AND  
MOTION FOR DEFAULT  
JUDGMENT**

Date: March 11, 2024

Time: 1:30 p.m.

Location: United States Courthouse, at  
350 W. 1st Street, Los Angeles, CA  
90012, Courtroom 7

Judge: Hon. John F. Walter

1 PLEASE TAKE NOTICE THAT on March 11, 2024 at 1:30 p.m. or at a later time  
2 as the court may hear, before the Hon. John F. Walter at the United States Courthouse,  
3 at 350 W. 1st Street, Los Angeles, CA 90012, Courtroom 7A, Plaintiff Sherwin David  
4 Partowashraf (“Plaintiff”) will and hereby does moves/applies for a default judgment  
5 against Defendant Nassa Sons Inc. dba Anarbagh Restaurant’s (“Defendant”) awarding  
6 damages, attorney’s fees, costs, and an injunction in Plaintiff’s favor on the grounds that  
7 its answer has been stricken, its default entered, liability is thereby established against  
8 Defendant, and there is sufficient evidence to award damages and fees and issue an  
9 injunction.

10 Pursuant to Local Rule 55-3, Plaintiff seeks attorney’s fees in excess of the  
11 schedule. Plaintiff seeks judgment in the amount of \$8,000 in statutory damages, \$6,000  
12 in attorney’s fees, and \$618.24 in costs as set forth in the declarations, totaling to  
13 **\$14,618.24.**

14 Plaintiff makes this application/motion pursuant to Fed. R. Civ. P. 55 and Local  
15 Rule 55 on the grounds that Defendant was properly served but has failed to  
16 appropriately appear in this action after losing its attorney of record and Defendant’s  
17 default has been entered. The clerk of the court has previously entered a default against  
18 Defendant on November 17, 2023. Therefore, Plaintiff now seeks a default judgment in  
19 Plaintiff’s favor and against Defendant.

20 PURSUANT TO LOCAL RULE 55-1, Plaintiff will present evidence of the  
21 following matters: When and against what party the default was entered; (b) The  
22 identification of the pleading to which default was entered; (c) Whether the defaulting  
23 party is an infant or incompetent person, and if so, whether that person is represented by  
24 a general guardian, committee, conservator or other representative; (d) That the  
25 Servicemembers Civil Relief Act (50 U.S.C. App. § 521) does not apply; and (e) That  
26 notice has been served on the defaulting party, if required by F.R.Civ.P. 55(b)(2).

27 PURSUANT TO LOCAL RULE 55-2, Plaintiff will also present evidence of the  
28 amount of damages sought.

1 IN ADDITION, Plaintiff request that the court enjoin Defendant to cease its  
2 unlawful discrimination against disabled persons and for Defendant to establish and  
3 follow a policy that prohibits unlawful discrimination against disabled persons with  
4 service animals when visiting the Anarbagh Restaurant, including, specifically, a policy  
5 of performing a good faith assessment of the reasonableness of modifying its policies to  
6 accommodate such disabled persons. And, where Defendant or an employee believes  
7 that admitting a disabled person with a dog would pose a direct threat to the health or  
8 safety of others, the policy shall provide that there should be a good faith individualized  
9 assessment, based on reasonable judgment that relies on current medical knowledge or  
10 on the best available objective evidence, to ascertain: The nature, duration, and severity  
11 of the risk; the probability that the potential injury will actually occur; and whether  
12 reasonable modifications of policies, practices, or procedures or the provision of  
13 auxiliary aids or services will mitigate the risk, in accordance with Title 28, section.  
14 36.208 of the Code of Federal Regulations.

15 PURSUANT TO LOCAL RULE 55-3, Plaintiff also asks for an award of  
16 attorney's fees in excess of the schedule in the local rules and will present evidence and  
17 authority in support of this request.

18 This motion is based on this notice, the documents on file with the court in this  
19 action, the declarations submitted hereto, and other matters that may be presented at the  
20 hearing.

21 Notice of this motion for default judgment will be/was served on Defendant by  
22 United States Postal Service first-class mail, postage prepaid.

23 **PLEASE READ THESE PAPERS CAREFULLY. YOUR RIGHTS MAY**  
24 **BE AFFECTED. IF YOU DO NOT HAVE AN ATTORNEY, YOU SHOULD**  
25 **CONSULT WITH ONE IMMEDIATELY.**

26 **MEET AND CONFER EFFORTS**

27 This motion is made without the conference of counsel pursuant to L.R. 7-3  
28 because Defendant cannot participate in the litigation in the absence of legal counsel and

1 has, in any event, not replied to attempts by Plaintiff's Counsel to communicate,  
2 including an email sent on August 16, 2023 that specifically noted that Defendant must  
3 be represented by an attorney and that Plaintiff would seek to strike Defendant's answer  
4 and seek a default judgment.

5 Dated: February 6, 2024

Law Office of Rick Morin, PC

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8 Richard Morin  
9 Attorney for Plaintiff  
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